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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,010	04/20/2000	Cary Lee Bates	IBM/138	4269

7590

10/08/2002

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EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/553,010

Applicant(s)

BATES ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

Art Unit: 3626

## **DETAILED ACTION**

### ***Notice to Applicant***

**1.     *This communication is in response to the application filed 20 April 2000.***

***Claims 1-30 are pending.***

### ***Claim Rejections - 35 USC § 102***

2.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.     Claims 1-2, 7-20 and 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by McMillan et al (6,064,970).

(A)   As per claim 1, McMillan discloses a method of conducting an economic transaction associated with usage of a vehicle over a period of time (Col.5, lines 13-22), the method comprising:

Art Unit: 3626

(a) tracking the location of the vehicle during at least a portion of the period of time associated with the economic transaction (Col.3, lines 25-58; Col.6, lines 44-65), including detecting that the vehicle is located at a location having an increased level of risk (Col.8, lines 61-67 to Col.9, line 33); and

(b) adjusting a cost with the economic transaction at least in part based on the location of the vehicle at the location having the increased level of risk (Col.2, lines 5-67 to Col.3, line 58; Col.4, lines 27-67 to Col.5, line 43).

(B) As per claims 2 and 18, McMillan discloses the method wherein the increased level of risk is based on at least one of risk of vehicle theft, risk of injury, risk of crime, risk of vehicle accident, risk of hazardous road conditions, risk of terrorist activity, risk of combat activity, and combination thereof (Col.4, lines 27-67; Col.8, lines 19-25).

(C) As per claims 7 and 24, McMillan discloses the method wherein adjusting the cost associated with the economic transaction includes adding a surcharge to the cost in response to detection of the location of the vehicle at the location having the increased level of risk (Col.4, lines 27-67).

(D) As per claims 8 and 25, McMillan discloses the method wherein the amount of the surcharge is based on an amount of time that the vehicle is located at the location having the increased level of risk (Col.4, lines 27-67).

Art Unit: 3626

(E) As per claims 9 and 26, McMillan discloses the method wherein adjusting the cost associated with the economic transaction includes selected one of a plurality of base upon detection of the location of the vehicle at the location having the increased level of risk (Col.3, lines 61-67 to Col.4, line 67).

(F) As per claims 10 and 27, McMillan discloses the method wherein the economic transaction includes rental of the vehicle (The Examiner interprets economical and practical value for a system intended to provide an enhanced acquisition as a form of economic transaction includes rental of the vehicle Col.3, lines 3-24).

(G) As per claims 11 and 28, McMillan discloses the method wherein the economic transaction includes insurance of the vehicle (Col.3, lines 3-12).

(H) As per claim 12, McMillan discloses the method wherein the economic transaction includes at least one of liability insurance, comprehensive insurance and collision insurance (Col.3, lines 3-12).

(I) As per claim 13, McMillan discloses a method of renting a vehicle, the method comprising:

(a) tracking the location of the vehicle during at least a portion of a rental period, including detecting that the vehicle is located at a location having an increased level of risk during the rental period (Col.8, lines 61-67 to Col.9, line 33); and

Art Unit: 3626

(b) increasing the cost associated with renting the vehicle based on detecting the location of the vehicle at the location having the increased level of risk (Col.2, lines 5-67 to Col.3, line 58; Col.4, lines 27-67 to Col.5, line 43).

(J) As per claim 14, McMillan discloses a method of insuring a vehicle, the method comprising:

(a) tracking the location of the vehicle during at least a portion of a coverage period, including detecting that the vehicle is located at a location having an increased level of risk during the coverage period (Col.8, lines 61-67 to Col.9, line 33); and

(b) setting a premium associated with insuring the vehicle based on detecting the location of the vehicle at the location having the increased level of risk (Col.2, lines 5-67 to Col.3, line 24; Col.4, lines 27-67 to Col.5, line 27).

(K) As per claim 15, McMillan discloses the method wherein setting the premium includes setting the premium for the coverage period (Col.5, lines 13-40).

(L) As per claim 16, McMillan discloses the method wherein setting the premium includes setting the premium for a subsequent coverage period (Col.5, lines 13-40).

(M) As per claim 17, McMillan discloses an apparatus, comprising:

Art Unit: 3626

(a) a vehicle location tracking system configured to track the location of a vehicle during at least a portion of a period of time associated with an economic transaction (;Col.8, lines 61-67 to Col.9, line 33) and

(b) a program configured to receive location information from the vehicle location tracking to identify the location of the vehicle during the portion of the period of time associated with the economic transaction, at least a portion of the location information indicating that the vehicle was located at a location having an increased level of risk (Col.8, lines 26-65), the program further configured to adjust a cost associated with the economic transaction at least in part based on the location of the vehicle at the location having the increased level of risk (Col.10, lines 9-50).

(N) As per claim 19, McMillan discloses the method wherein the vehicle location tracking system comprises a location sensor coupled to the vehicle (Col.6, lines 44-65; Col.9, lines 5-58).

(O) As per claim 20, McMillan discloses the method wherein the location sensor includes a Global Positioning System (GPS) receiver (Col.7, lines 6-21).

(P) As per claim 23, McMillan discloses the apparatus wherein the vehicle location system is coupled to the vehicle, the apparatus further comprising:

(a) a billing computer upon which the program executes (Col.10, lines 9-50); and

Art Unit: 3626

(b) a handheld computer configured to interface with the vehicle location tracking system to obtain the location information therefrom, and to interface with the billing computer to download the location information thereto (Col.6, lines 44-65).

(Q) As per claim 29, McMillan discloses a program product, comprising:

(a) a program configured to receive location information identifying the location of a vehicle during at least a portion of a period of time associated with an economic transaction, at a portion of the location information indicating that the vehicle was located at a location having an increased level of risk (Col.10, lines 9-67), the program further configured to adjust a cost associated with the economic transaction at least in part based on the location of the vehicle at the location having the increased level of risk (Col.9, lines 61-67 to Col.10, lines 9-67).

(b) a signal bearing medium bearing the program (Col.7, lines 17-21).

***Claim Rejections - 35 USC § 103***

4. Claims 3-6 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillan et al (6,064,970) in view of Keith et al (6,393,346).

(A) As per claim 3, McMillan discloses the method wherein tracking the location of the includes:

(a) calculating the location of the vehicle at a point in time using a location sensor coupled to the vehicle (Col.6, lines 44-64). McMillan does not explicitly disclose (b)



Art Unit: 3626

storing a timestamped entry in a database identifying the point in time and the calculated location of the vehicle at such point in time.

However, this feature is known in the art, as evidenced by Keith. In particular, Keith suggests storing a timestamp entry in a database identifying the point in time and calculated location of the vehicle at such point in time (See Keith Col.1, lines 66-67 to Col.2, line 24; Col.4, lines 1-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Keith within the system of McMillan with the motivation of providing a system and method for recording the distances traveled and the places visited by a monitored vehicle equipped with a navigational receiver and a computer-based datalogger having a clock and an on-board memory so that the datalogger can store time-stamped records of the latitude and longitude of places or destinations visited by the vehicle (See Keith Col.1, lines 66-67 to Col.2, line 5).

(B) As per claim 4, McMillan discloses the method wherein the location sensor includes a Global Positioning System (GPS) receiver (Col.7, lines 6-21).

(C) As per claim 5, McMillan discloses the method wherein tracking the location of the vehicle further includes determining a current region for the vehicle from calculated location, calculating the location of the vehicle includes calculating a second location for the vehicle at a second point in time (Col.3, lines 25-38). McMillan does not explicitly disclose wherein storing the timestamped entry in the database includes storing a

Art Unit: 3626

second timestamped entry in the database for the second calculated location only if the region associated with the second calculated location differs from the region associated with the first calculated location.

However, this feature is known in the art, as evidenced by Keith. In particular, Keith suggests storing the timestamped entry in the database includes storing a second timestamped entry in the database for the second calculated location only if the region associated with the second calculated location differs from the region associated with the first calculated location (See Keith Col.2, lines 1-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Keith within the system of McMillan with the motivation of providing a system and method for recording the distances traveled and the places visited by a monitored vehicle equipped with a navigational receiver and a computer-based datalogger having a clock and an on-board memory so that the datalogger can store time-stamped records of the latitude and longitude of places or destinations visited by the vehicle (See Keith Col.1, lines 66-67 to Col.2, line 5).

(D) As per claim 6, McMillan discloses the method wherein the current region is selected from a plurality of regions, the method further comprising assigning a level of risk to each of the plurality of regions (Col.4, lines 27-67).

(E) As per claim 21, McMillan discloses the apparatus wherein the vehicle location tracking system (Col.6, lines 59-65). McMillan does not explicitly disclose a second

Art Unit: 3626

program configured to store the location in the form of timestamped entries, each identifying one of a plurality of regions and a time at which the vehicle was located in such region, the second program further configured to add a timestamped entry at a second point in time only when a current region for the vehicle at the second point on time differs from a previous region for the vehicle at a first, previous point in time.

However, this feature is known in the art, as evidenced by Keith. In particular, Keith suggests a second program configured to store the location in the form of timestamped entries, each identifying one of a plurality of regions and a time at which the vehicle was located in such region, the second program further configured to add a timestamped entry at a second point in time only when a current region for the vehicle at the second point on time differs from a previous region for the vehicle at a first, previous point in time (Col.4, lines 1-67 to Col.5, line 56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Keith within the system of McMillan with the motivation of providing a system and method for recording the distances traveled and the places visited by a monitored vehicle equipped with a navigational receiver and a computer-based datalogger having a clock and an on-board memory so that the datalogger can store time-stamped records of the latitude and longitude of places or destinations visited by the vehicle (See Keith Col.1, lines 66-67 to Col.2, line 5).

(F) As per claim 22, McMillan discloses the apparatus wherein each of the plurality of regions is associated with a level of risk (Col.6, lines 20-65).

Art Unit: 3626

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches vehicle customization , restriction, and data logging (6,430,488); and method and apparatus for secure document timestamping (6,263,438); and car rent system (5,289,369).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F.  
V.F.

September 25, 2002

  
**JOSEPH THOMAS**  
**SUPERVISORY PATENT EXAMINER**  
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